

23(E)33

CLOSED,PASPRT

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CRIMINAL DOCKET FOR CASE #: 2:23-mj-01741-DUTY All Defendants**

Case title: USA v. Wei

Date Filed: 04/12/2023

Date Terminated: 04/12/2023

Assigned to: Duty Magistrate Judge

**Defendant (1)****Benjamin Wei**

TERMINATED: 04/12/2023

represented by **James A. Rapore**

Mintz Levin Cohn Ferris Glovsky and

Popeo PC

2029 Century Park East, Suite 300

Los Angeles, CA 90067

310-586-3200

Fax: 310-586-3202

Email: JARapore@mintz.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Pending Counts****Disposition**

None

**Highest Offense Level (Opening)**

None

**Terminated Counts****Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints****Disposition**

None

**Plaintiff**

USA

represented by **US Attorney's Office**

AUSA - Office of US Attorney  
 Criminal Division - US Courthouse  
 312 North Spring Street 12th Floor  
 Los Angeles, CA 90012-4700  
 213-894-2434

Email: [USACAC.Criminal@usdoj.gov](mailto:USACAC.Criminal@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
04/12/2023	<u>1</u>	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Benjamin Wei, originating in the Southern District of New York. Defendant charged in violation of: 18:1349. Signed by agent Bradley T Pesek, FBI; Special Agent. (ja) (Entered: 04/14/2023)
04/12/2023	<u>2</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Benjamin Wei; defendants Year of Birth: 1965; date of arrest: 4/12/2023 (ja) (Entered: 04/14/2023)
04/12/2023	<u>3</u>	Defendant Benjamin Wei arrested on warrant issued by the USDC Southern District of New York at New York. (Attachments: # <u>1</u> Charging Document)(ja) (Entered: 04/14/2023)
04/12/2023	<u>4</u>	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Jean P. Rosenbluth as to Defendant Benjamin Wei. Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; see General Order 21-02 (written order). Defendant arraigned. Attorney: James A. Rapore for Benjamin Wei, Retained, present for initial appearance only. Government's request for detention is: WITHDRAWN. Court orders bail set as: Benjamin Wei (1) \$500,000 Appearance Bond, SEE ATTACHED BOND FOR TERMS AND CONDITIONS. Defendant remanded to the custody or currently in the custody of the US Marshal. Court orders defendant held to answer to Southern District of New York. Bond to Transfer. Defendant ordered to report on to be determined by the Government. Release Order No 41931. The Court Ordered defendant to appear at a date and time to be said by his attorney. Court Smart: CS 4/12/23. (ja) (Entered: 04/14/2023)
04/12/2023	<u>5</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Plaintiff USA as to Defendant Benjamin Wei. (ja) (Entered: 04/14/2023)
04/12/2023	<u>6</u>	DESIGNATION AND APPEARANCE OF COUNSEL; filed by James A. Rapore appearing for Benjamin Wei (ja) (Entered: 04/14/2023)
04/12/2023	<u>7</u>	DECLARATION RE: PASSPORT filed by Defendant Benjamin Wei, declaring that I have been issued a passport or other travel document(s), but they are not currently in my possession. I will surrender any passport or other travel document(s) issued to me, to the U.S. Pretrial Services Agency by the deadline imposed. I will not apply for a passport or other travel document during the pendency of this case. (ja) (Entered: 04/14/2023)
04/12/2023	<u>8</u>	WAIVER OF RIGHTS approved by Magistrate Judge Jean P. Rosenbluth as to Defendant Benjamin Wei. (ja) (Entered: 04/14/2023)

04/13/2023	<u>9</u>	PASSPORT RECEIPT from U. S. Pretrial Services as to Defendant Benjamin Wei. USA passport was received on 4/13/23. (ja) (Entered: 04/14/2023)
04/14/2023		Notice to Southern District of New York of a Rule 5 Initial Appearance as to Defendant Benjamin Wei. Your case number is: 23CRIM133. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: <a href="#">4 Initial Appearance - Arrest on Out of District Warrant - Rule 5(c)(3) (fka Rule 40)</a> . The Clerk will forward the passport to you If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (ja) (Entered: 04/14/2023)

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

vs.

Plaintiff,

Western DivisionUNDER SEALBenjamin WeiCase Number: 2:23-MJ-01741  
Initial App. Date: 04/12/2023  
Initial App. Time: 2:00 PMOut of District Affidavit  
Custody

Defendant.

Date Filed: 04/12/2023  
Violation: 18:1349  
CourtSmart/ Reporter:CS 4/12/2023PROCEEDINGS HELD BEFORE UNITED STATES  
MAGISTRATE JUDGE: Jean P. RosenbluthCALENDAR/PROCEEDINGS SHEET  
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Martinez, Beatriz

None

Deputy Clerk

Kelsey Stimson  
Assistant U.S. Attorney

Interpreter/Language

- INITIAL APPEARANCE NOT HELD - CONTINUED
- Court issues Order under Fed. R. Crim. P. 5(f) concerning prosecutor's disclosure obligations; see General Order 21-02 (written order).
- Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and  
 preliminary hearing OR  removal hearing / Rule 20.
- Defendant states true name  is as charged  is \_\_\_\_\_
- Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to file all future documents reflecting the true name as stated on the record.
- Defendant advised of consequences of false statement in financial affidavit.  Financial Affidavit ordered SEALED.
- Attorney: Antonio Villamil, DPPD  Appointed  Prev. Appointed  Poss. Contribution (see separate order)  
 Special appearance by: James Rapore for initial appearance only
- Government's request for detention is:  GRANTED  DENIED  WITHDRAWN  CONTINUED
- Contested detention hearing is held.  Defendant is ordered:  Permanently Detained  Temporarily Detained (see separate order).
- BAIL FIXED AT \$ 500,000 (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)
- Government moves to UNSEAL Complaint/Indictment/Information/Entire Case:  GRANTED  DENIED
- Preliminary Hearing waived.  Class B Misdemeanor  Defendant is advised of maximum penalties
- This case is assigned to Magistrate Judge \_\_\_\_\_ . Counsel are directed to contact the clerk for the setting of all further proceedings.
- PO/PSA WARRANT  Counsel are directed to contact the clerk for District Judge \_\_\_\_\_ for the setting of further proceedings.
- Preliminary Hearing set for \_\_\_\_\_ at 4:30 PM \_\_\_\_\_
- PIA set for: \_\_\_\_\_ at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana
- Government's motion to dismiss case/defendant \_\_\_\_\_ only:  GRANTED  DENIED
- Defendant's motion to dismiss for lack of probable cause:  GRANTED  DENIED
- Defendant executed Waiver of Rights.  Process received \_\_\_\_\_
- Court ORDERS defendant Held to Answer to Southern District of NY  
 Bond to transfer, if bail is posted. Defendant to report on or before to be determined by the Gov't.
- Warrant of removal and final commitment to issue. Date issued: \_\_\_\_\_ By CRD: \_\_\_\_\_
- Warrant of removal and final commitment are ordered stayed until \_\_\_\_\_
- Case continued to (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ AM / PM  
Type of Hearing: \_\_\_\_\_ Before Judge \_\_\_\_\_ /Duty Magistrate Judge.  
Proceedings will be held in the  Duty Courtroom \_\_\_\_\_  Judge's Courtroom \_\_\_\_\_
- Defendant committed to the custody of the U.S. Marshal  Summons: Defendant ordered to report to USM for processing.
- Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.
- Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.
- RELEASE ORDER NO: 41931 *left to be said*
- Other: The Court is ordered to appear at a date + time by his attorney.
- PSA  USPO  FINANCIAL  CR-10  CR-29  READY
- Deputy Clerk Initials bm \_\_\_\_\_ : 13

## UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

 Defendant  Material Witness

Violation of Title and Section: 18:1349

 Summons  Out of District  UNDER SEAL  Modified Date: \_\_\_\_\_

Check only one of the five numbered boxes below and any appropriate lettered box (unless one bond is to be replaced by another):

1.  Personal Recognizance (Signature Only)(c).  Affidavit of Surety With Justification  
(Form CR-3) Signed by:

Release Date: 4/12/23

2.  Unsecured Appearance Bond

\$ \_\_\_\_\_

 Released by:3.  Appearance Bond

\$ 500,000

 JPR / bm

(Judge / Clerk's Initials)

 Release to U.S. Probation  
and Pretrial Services ONLY Forthwith Release

Release No.

4193

 All Conditions of Bond  
(Except Clearing-Warrants  
Condition) Must be Met  
and Posted by:

April 19, 2023

 Third-Party Custody  
Affidavit (Form CR-31) Bail Fixed by Court: JPR / bm

(Judge / Clerk's Initials)

 Cash Deposit (Amount or %) (Form CR-7) With Full Deeding of Property:4.  Collateral Bond in the Amount of (Cash  
or Negotiable Securities):

\$ \_\_\_\_\_

5.  Corporate Surety Bond in the Amount of:

\$ \_\_\_\_\_

## PRECONDITIONS TO RELEASE

- The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4).
- The Court has ordered a Nebbia hearing under § 3142 (g)(4).
- The Nebbia hearing is set for \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

## ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

- Submit to United States Probation and Pretrial Services supervision as directed by Supervising Agency.
- Surrender all passports and travel documents to Supervising Agency no later than COB 4/13/2023, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case. *necessary for travel*
- Travel is restricted to CD/CA & Southern Dist of NY & any points in between unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel as well as for any domestic travel if the defendant is in a Location Monitoring Program or as otherwise provided for below.
- Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency.

Defendant's Initials: 

Date: 4/17/23

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

Defendant  Material Witness

- Maintain or actively seek employment unless excused by Supervising Agency for schooling, training, or other reasons approved by Supervising Agency. Verification to be provided to Supervising Agency.  Employment to be approved by Supervising Agency.
- Avoid all contact, directly or indirectly (including by any electronic means), with any known victim or witness in the subject investigation or prosecution,  including but not limited to \_\_\_\_\_ ;  except for \_\_\_\_\_.
- Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may have contact with the following codefendants without your counsel present: \_\_\_\_\_.
- Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons.  Surrender any such item as directed by Supervising Agency by \_\_\_\_\_ and provide proof to Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.
- Do not use or possess any identification, mail matter, access device (including, but not limited to, credit and debit cards), or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.
- Do not engage in telemarketing.
- Do not sell, transfer, or give away any asset valued at \$ 500,000 \_\_\_\_\_ or more without notifying and obtaining permission from the Court, except paying attorney fees \_\_\_\_\_.
- Do not engage in tax preparation for others.
- Do not use alcohol.  Submit to alcohol testing. If directed to do so, participate in outpatient treatment as approved by Supervising Agency. Testing may include any form of prohibited-substance screening or testing. You must pay all or part of the costs for testing based upon your ability to pay as determined by Supervising Agency.
- Do not use or possess illegal drugs or state-authorized marijuana.  Submit to drug testing. Testing may include any form of prohibited-substance screening or testing. You must pay all or part of the costs for testing based upon your ability to pay as determined by Supervising Agency. If directed to do so, participate in outpatient treatment as approved by Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property by Supervising Agency, which may be in conjunction with law enforcement.
- Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or any street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.
- Participate in residential substance abuse treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency.  Release to Supervising Agency only.
- Participate in mental health treatment, which may include evaluation, counseling, or treatment as directed by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

Defendant's Initials: CDate: 4/12/23

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

Defendant  Material Witness

- Participate in the Location Monitoring Program marked below and abide by all of the requirements of the program and any indicated restrictions, under the direction of the Supervising Agency. You must pay all or part of the costs of the program based upon your ability to pay as determined by the Supervising Agency. You are financially responsible for any lost or damaged equipment.

#### 1. Location Monitoring Restrictions (Select One)

- Location Monitoring only - no residential restrictions
- Curfew: Curfew requires you to remain at home during set time periods. (Select One)
  - As directed by Supervising Agency; or
  - You are restricted to your residence every day from \_\_\_\_\_ to \_\_\_\_\_
- Home Detention: Home detention requires you to remain at home at all times except for employment, education, religious services, medical needs or treatment, attorney visits, court appearances and obligations, essential needs, and \_\_\_\_\_, all of which must be preapproved by the Supervising Agency.
- Home Incarceration: Home Incarceration requires you to be at home 24 hours a day except for medical needs or treatment, attorney visits, court appearances or obligations, and \_\_\_\_\_, all of which must be preapproved by Supervising Agency.

#### 2. Location Monitoring Technology (Select One)

- Location Monitoring technology at the discretion of the Supervising Agency. (If checked, skip to 3)
- Location Monitoring with an ankle monitor (Select one below)
  - at the discretion of the Supervising Agency or
  - Radio Frequency (RF) or
  - Global Positioning System (GPS)

or

- Location Monitoring without an ankle monitor (Select one below)
  - at the discretion of the Supervising Agency or
  - Virtual/Biometric (smartphone required to participate) or
  - Voice Recognition (landline required to participate)

#### 3. Location Monitoring Release Instructions (Select One)

- Release to Supervising Agency only or  Enroll in the location monitoring program within 24 hours of release.
- You are placed in the third-party custody (Form CR-31) of \_\_\_\_\_.
- Clear outstanding  warrants or  DMV and traffic violations and provide proof to Supervising Agency within \_\_\_\_\_ days of release from custody.

Defendant's Initials: BCDate: 4/12/23

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

Defendant  Material Witness

- Possess and use only those digital devices, screen usernames, email accounts, social media accounts, messaging applications and cloud storage accounts, as well as any passwords or passcodes for all such digital devices and accounts, that you disclosed to Supervising Agency upon commencement of supervision. You must disclose any new devices, accounts, application, passwords, or passcodes to Supervising Agency prior to the first use. A digital device is any electronic system or device that can access, view, obtain, store, or transmit digital data.  In order to determine compliance, you agree to submit to a search of your person and property, including digital devices, by Supervising Agency, which may be in conjunction with law enforcement.
- All digital devices will be subject to monitoring by Supervising Agency. You must comply with the rules and regulations of the Computer Monitoring Program and must pay the cost of the Computer Monitoring Program.
- Do not use or possess more than one virtual currency wallet/account, and that one wallet/account must be used for all virtual currency transactions. Do not obtain or open a virtual currency wallet/account without prior approval of Supervising Agency. You must disclose all virtual currency wallets/accounts to Supervising Agency when supervision starts and must make them available to Supervising Agency upon request. You may use or possess only open public blockchain virtual currencies and are prohibited from using private blockchain virtual currencies unless prior approval is obtained from Supervising Agency.  In order to determine compliance, you agree to submit to a search of your person and property, including computer hardware and software, which may be in conjunction with law enforcement.

#### Cases Involving a Sex-Offense Allegation

- Possess and use only those digital devices, screen usernames, email accounts, social media accounts, messaging applications and cloud storage accounts, as well as any passwords or passcodes for all such digital devices and accounts, that you disclosed to Supervising Agency upon commencement of supervision. You must disclose any new devices, accounts, application, passwords, or passcodes to Supervising Agency prior to the first use. A digital device is any electronic system or device that can access, view, obtain, store, or transmit visual depictions of sexually explicit conduct involving children.  In order to determine compliance, you agree to submit to a search of your person and property, including digital devices, by Supervising Agency, which may be in conjunction with law enforcement.
- All digital devices will be subject to monitoring by Supervising Agency. You must comply with the rules and regulations of the Computer Monitoring Program and must pay the cost of the Computer Monitoring Program.
- Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person under the age of 18 except in the presence of the parent or legal guardian of the minor after you have notified the parent or legal guardian of the pending charges or convictions involving a sex offense and only as authorized by Supervising Agency
- Do not enter or loiter within 100 feet of schoolyards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, amusement and theme parks, or other places frequented by persons under the age of 18 and only as authorized to do so by Supervising Agency.
- Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.
- Do not view or possess child pornography or child erotica, including but not limited to pictures, photographs, books, writings, drawings, or videos depicting or describing child pornography.  In order to determine compliance, you agree to submit to a search of your person and property, including computer hardware and software, by Supervising Agency, which may be in conjunction with law enforcement..

Defendant's Initials:

*EP*

Date:

*4/12/23*

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

Defendant  Material Witness

Other conditions:

Provide the Supervising Agency with access to any requested financial or business information. For all financial or business documents, do not use any name other than in your own legal or true name without prior permission from Supervising Agency.

*May communicate with wife, children, and brother*

#### GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform United States Probation and Pretrial Services and my counsel of any change in my contact information, including my residence and telephone number, including cell phone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release. I will inform Supervising Agency of law enforcement contact within 72 hours of being arrested or questioned by a law enforcement officer.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: c

Date: 4/12/23

Case Name: United States of America v. Benjamin Wei

Case No. 23-MJ-1741-DUTY

 Defendant  Material Witness**ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS**

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

4/12/23Ben Wei310-243-9333

Date Signature of Defendant / Material Witness Telephone Number

Los Angeles CA 90010

City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the \_\_\_\_\_ language this entire form  
and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved:

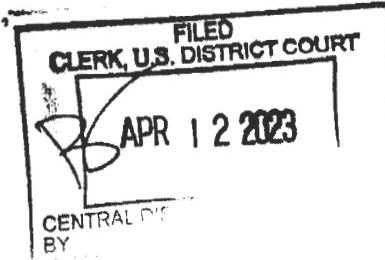
United States District Judge / Magistrate Judge

Date

If cash deposited: Receipt # \_\_\_\_\_ for \$ \_\_\_\_\_

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: BDate: 4/12/23



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

v.

**Benjamin Wei**

Defendant

CASE NUMBER:

**Z:23-MJ-01741**

**ADVISEMENT OF  
DEFENDANT'S STATUTORY &  
CONSTITUTIONAL RIGHTS**

You are in the United States District Court for the Central District of California because you have been charged with a crime against the United States or a violation of probation, supervised release, or pretrial release. The Court informs you that you have the following constitutional and statutory rights in connection with these proceedings:

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

If you have not already received a copy of the charges, you will receive a copy today.

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement.

If you are not a United States citizen, you may request that the prosecution notify your consular office that you have been arrested. Even without such a request, the law may require the prosecution to do so.

**IF YOU ARE MAKING YOUR INITIAL APPEARANCE BEFORE THE COURT**

You have a right to a bail hearing in which the Magistrate Judge will determine whether you will be released from custody before trial. If you disagree with the Magistrate Judge's decision, you can appeal that decision to another Judge of this Court. You or the prosecutor can request that the bail hearing be continued to another day.

If you have been charged by complaint, you are entitled to a preliminary hearing within 14 days if the Magistrate Judge orders that you be detained pending trial, or 21 days if the Magistrate Judge orders that you be released pending trial. In a preliminary hearing, the prosecution will attempt to show that there is probable cause to believe that you committed the crime charged in the complaint. You will not be entitled to a preliminary hearing, however, if the prosecution obtains an indictment in your case before the time set for the preliminary hearing. (Most often, the prosecutors in the Central District of California present their cases to the grand jury before the time set for the preliminary hearing and, therefore, no preliminary hearing is held.)

**IF YOU ARE CHARGED WITH A VIOLATION OF  
YOUR CONDITIONS OF SUPERVISED RELEASE OR PROBATION**

If you are charged with a violation of the terms and conditions of your supervised release or probation and the Magistrate Judge detains you, you have the right to a preliminary hearing before a Magistrate Judge.

#### IF YOU ARE CHARGED IN ANOTHER DISTRICT

If you have been arrested on a charge from another district, you are entitled to wait until the prosecution produces a copy of the warrant authorizing your arrest. You are also entitled to an identity hearing in which the prosecution would have the burden of proving there is probable cause to believe that you are the person named in the charges. If you are charged in a complaint from another district, you may request to have a preliminary hearing held in the charging district. If you are charged with a violation of a term of supervised release or probation imposed in another district, you have a right to a preliminary hearing, which may, depending on where the alleged violation occurred, be held either here or in the charging district.

If you want to plead guilty in the Central District of California, you may request to have your case transferred to this district. To proceed in this district, the United States Attorneys for this district and the charging district must agree to the transfer.

#### IF YOU ARE APPEARING FOR ARRAIGNMENT

If you have been charged by indictment or information, you will be arraigned and may be asked to enter a not guilty plea today. After your arraignment, your case will be assigned to a District Judge of this Court for all further proceedings, unless a Judge has already been assigned.

You are entitled to a speedy and public trial by jury. The right to a jury trial can be waived.

You are entitled to see and hear the evidence and cross-examine the witnesses against you. You are entitled to the processes of the Court to subpoena witnesses on your behalf without cost to you if you are indigent. You do not have to prove your innocence. The prosecution has the burden to prove your guilt beyond a reasonable doubt.

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#### ACKNOWLEDGMENT OF DEFENDANT:

I have read the above Advisement of Rights and understand it. I do not require a translation of this statement nor do I require an interpreter for court proceedings.

Dated: 4/12/23



Signature of Defendant

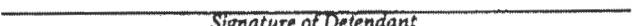
[or]

I have personally heard a translation in the \_\_\_\_\_

language read to me and

understand the above Advisement of Rights.

Dated: \_\_\_\_\_



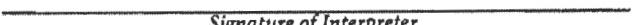
Signature of Defendant

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#### STATEMENT OF THE INTERPRETER:

I have translated this Advisement of Rights to the Defendant in the \_\_\_\_\_ language.

Dated: \_\_\_\_\_



Signature of Interpreter

Print Name of Interpreter

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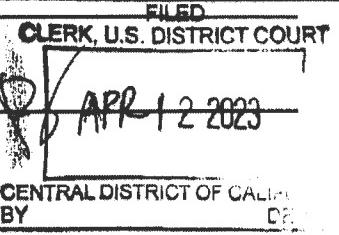
#### STATEMENT OF COUNSEL:

I am satisfied that the defendant has read this Advisement of Rights or has heard the interpretation thereof and that he/she understands it.

Dated: 4/12/23



Signature of Attorney

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

PLAINTIFF

CASE NUMBER:

2:23-MJ-01741

DEFENDANT.

*Benjamin Wei*WAIVER OF RIGHTS  
(OUT OF DISTRICT CASES)

I understand that charges are pending in the Central District of California alleging violation of 18 USC 1349 18 USC 1956 18 USC 1343 and that I have been arrested in this district and taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charges;
- (2) arrival of process;

-Check one only-



## EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:

- (3) have a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.



## PROBATION OR SUPERVISED RELEASE CASES:

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

## I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:



have an identity hearing



arrival of process



have a preliminary hearing



have an identity hearing, and I have been informed that I have no right to a preliminary hearing



have an identity hearing, but I request that a preliminary hearing be held in the prosecuting district.

*Ben Wei*  
Defendant*MW*  
Defense Counsel*J.W. Anschultz*  
United States Magistrate JudgeDate: 4/12/23

I have translated this Waiver to the defendant in the \_\_\_\_\_ language.

Date: \_\_\_\_\_

Interpreter(if required)